

AMENDED IN ASSEMBLY APRIL 2, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1441

**Introduced by Assembly Member Garcia
(Coauthors: Assembly Members Bates and La Suer)**

February 21, 2003

~~An act to amend Section 11165.5 of the Penal Code, relating to abuse.
An act relating to SAFE teams, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1441, as amended, Garcia. ~~Abuse~~ SAFE teams.

Existing law authorizes the establishment of county and regional Sexual Assault Felony Enforcement (SAFE) teams to reduce violent sexual assault offenses.

This bill would appropriate \$15,000,000 from the General Fund to the Controller for distribution to county sheriffs for the implementation of county and regional SAFE team programs, as specified.

The bill would also set forth the findings and declarations of the Legislature in this regard.

~~Existing law defines abuse as neglect in out-of-home care for purposes of the Child Abuse and Neglect Reporting Act which mandates that certain individuals report child abuse and neglect, as specified.~~

~~This bill would make a technical, nonsubstantive change to this provision.~~

Vote: ~~majority~~ ²/₃. Appropriation: ~~no~~ yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

~~SECTION 1. Section 11165.5 of the Penal Code is amended~~

SECTION 1. *The Legislature hereby finds and declares the following:*

(a) *Habitual sexual assault offenders pose a significant risk to the welfare and safety of the residents of California.*

(b) *Predatory sex offenders frequently travel to areas outside of the jurisdictions in which they reside to evade surveillance and possible arrest by local law enforcement agencies for probation or parole violations.*

(c) *Recent data shows that approximately 44 percent of sexual predators are not registering as required under Megan's Law, and law enforcement officials are unaware of their current location.*

(d) *The Legislature has encouraged the formation of regional law enforcement task forces consisting of officers and agents from several law enforcement agencies organized for the explicit purpose of reducing violent sexual assaults through proactive surveillance and arrests of habitual sexual offenders.*

(e) *The funding of the Sexual Assault Felony Enforcement (SAFE) Teams is critical to tracking sexually violent predators and protecting the welfare and safety of Californians.*

SEC. 2. (a) *The sum of fifteen million dollars (\$15,000,000) is hereby appropriated from the General Fund to the Controller for distribution to county sheriffs for the implementation of county and regional SAFE team programs pursuant to Chapter 9.7 (commencing with Section 13887) of Title 6 of Part 4 of the Penal Code.*

(b) *No county may use funds provided pursuant to this act to supplant any other sources of funding.*

~~to read:~~

~~11165.5.—As used in this article, the term “abuse or neglect in out-of-home care” includes physical injury inflicted upon a child by another person by other than accidental means, sexual abuse as defined in Section 11165.1, neglect as defined in Section 11165.2, unlawful corporal punishment or injury as defined in Section 11165.4, or willful cruelty toward or unjustifiable punishment of a child, as defined in Section 11165.3, if the person responsible for the child’s welfare is a licensee, administrator, or employee of any facility licensed to care for children, or an administrator or~~

1 ~~employee of a public or private school or other institution or~~
2 ~~agency. “Abuse or neglect in out of home care” does not include~~
3 ~~an injury caused by reasonable and necessary force used by a peace~~
4 ~~officer acting within the course and scope of his or her~~
5 ~~employment as a peace officer.~~

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